

ESTTA Tracking number: **ESTTA491310**Filing date: **08/28/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Endo Pharmaceuticals Inc.
Granted to Date of previous extension	08/29/2012
Address	100 Endo Boulevard Chadds Ford, PA 19317 UNITED STATES
Attorney information	RONALD J. VENTOLA II, ESQ. SCHNADER HARRISON SEGAL & LEWIS LLP 1600 MARKET STREET SUITE 3600 PHILADELPHIA, PA 19103 UNITED STATES TRADEMARKS@SCHNADER.COM, JMEYER@SCHNADER.COM, RVENTOLA@SCHNADER.COM Phone: 215-751-2000

**Applicant Information**

Application No	85322084	Publication date	05/01/2012
Opposition Filing Date	08/28/2012	Opposition Period Ends	08/29/2012
Applicant	EndoClot Plus, Inc. 5201 Great America Parkway, Suite 526 Santa Clara, CA 95054 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 010. First Use: 2011/10/23 First Use In Commerce: 2011/10/23


All goods and services in the class are opposed, namely: Medical device, namely, a delivery system for endoscopic application of hemostatic powder to bleeding sites of the wound in the gastrointestinal tract and other human cavities including abdominal cavity, thoracic cavity and uterine cavity

**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	324936	Application Date	01/22/1935
Registration Date	06/04/1935	Foreign Priority Date	NONE
Word Mark	ENDO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U018 (International Class 005). First use: First Use: 1916/06/01 First Use In Commerce: 1916/06/01 TABLETS FOR THE RELIEF OF PAIN

U.S. Registration No.	2004648	Application Date	12/01/1993
Registration Date	10/01/1996	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/19 First Use In Commerce: 1994/05/19 house mark for a [ full ] line of pharmaceutical preparations *, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations *		

U.S. Registration No.	2189503	Application Date	02/10/1998
Registration Date	09/15/1998	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/19 First Use In Commerce: 1994/05/19 house mark for a full line of pharmaceutical preparations *, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations *		

U.S. Registration No.	2921176	Application Date	09/25/2002
Registration Date	01/25/2005	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2002/12/00 First Use In Commerce: 2002/12/00 [ full ] line of pharmaceutical preparations *, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations *		


U.S. Registration No.	1993892	Application Date	04/22/1994
Registration Date	08/13/1996	Foreign Priority Date	NONE
Word Mark	ENDOCET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 pharmaceutical analgesic preparation		

U.S. Registration No.	1995948	Application Date	04/22/1994
Registration Date	08/20/1996	Foreign Priority Date	NONE
Word Mark	ENDODAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/06/17 First Use In Commerce: 1994/06/17 pharmaceutical analgesic preparation		

U.S. Registration No.	1897762	Application Date	06/06/1994
Registration Date	06/06/1995	Foreign Priority Date	NONE
Word Mark	ENDOCARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1992/07/00 First Use In Commerce: 1992/07/00		

	maintenance and/or repair of medical equipment		
U.S. Registration No.	2267677	Application Date	08/27/1997
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	ENDO GENERIC PRODUCTS		
Design Mark	<p style="text-align: center;"><b>ENDO GENERIC PRODUCTS</b></p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/08/26 First Use In Commerce: 1997/08/26 house mark for a full line of pharmaceutical preparations *, namely, ANALGESICS *		


  


U.S. Registration No.	3075226	Application Date	08/18/2004
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	ENDO ENDO GENERIC PRODUCTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Pharmaceutical preparations for pain and for the alleviation of the symptoms of Parkinson's disease		


U.S. Registration No.	2317044	Application Date	08/27/1997
Registration Date	02/08/2000	Foreign Priority Date	NONE
Word Mark	ENDO LABORATORIES		
Design Mark	<p style="text-align: center;"><b>ENDO LABORATORIES</b></p>		
Description of Mark	NONE		


Goods/Services	Class 005. First use: First Use: 1997/08/26 First Use In Commerce: 1997/08/26 house mark for a full line of pharmaceutical preparations
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U.S. Registration No.	3155766	Application Date	05/24/2005
Registration Date	10/17/2006	Foreign Priority Date	NONE
Word Mark	TEAM ENDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Athletic jerseys Class 035. First use: First Use: 2003/09/00 First Use In Commerce: 2003/09/00 Coordination of recreational sporting opportunities for individuals who wish to participate in team league sports		


U.S. Application No.	85498455	Application Date	12/19/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	E ENDO		
Design Mark			
Description of Mark	The mark consists of the literal element of the mark "ENDO" shown in grey in lower case font. To the left of the literal element is the logo form of the letter "E" shown in two shades of yellow in lower case font.		
Goods/Services	Class 005. First use: House mark for a line of pharmaceutical preparations, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations Class 010. First use: Medical devices and instruments for use in surgical applications, namely,		

	<p>cryosurgical systems, cryosurgical probes, and urological stent devices</p> <p>Class 041. First use:</p> <p>Educational services, namely conducting classes, seminars, conferences and workshops in the field of medical and surgical devices and techniques</p> <p>Class 044. First use:</p> <p>Providing online medical information on the subject of pharmaceuticals and healthcare</p>
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U.S. Application No.	85549539	Application Date	02/22/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ENDO HEALTH SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use:</p> <p>Printed materials, namely brochures and pamphlets on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p> <p>Class 044. First use:</p> <p>Providing online information on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p>		

U.S. Application No.	85549674	Application Date	02/22/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ENDO		
Design Mark			
Description of Mark	The mark consists of the word ENDO shown in a stylized lower case font.		

Goods/Services	<p>Class 005. First use: House mark for a line of pharmaceutical preparations, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations</p> <p>Class 010. First use: Medical devices and instruments for use in surgical applications, namely, cryosurgical systems, cryosurgical probes, and urological stent devices</p> <p>Class 016. First use: Printed materials, namely brochures and pamphlets on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p> <p>Class 044. First use: Providing online information on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p>
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U.S. Application No.	85549621	Application Date	02/22/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	E		
Design Mark			
Description of Mark	The mark consists of a design of the lower case letter "e".		
Goods/Services	<p>Class 005. First use: House mark for a line of pharmaceutical preparations, namely, analgesics and pain management preparations, preparations for the treatment of cancers, preparations for the treatment of urological diseases and disorders, preparations for the treatment of schizophrenia; preparations for the treatment of diseases and disorders of the endocrine system, hormone replacement preparations</p> <p>Class 010. First use: Medical devices and instruments for use in surgical applications, namely, cryosurgical systems, cryosurgical probes, and urological stent devices</p> <p>Class 016. First use: Printed materials, namely brochures and pamphlets on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p> <p>Class 044. First use: Providing online information on the subjects of pharmaceutical preparations, medical devices and surgical devices and techniques</p>		

Attachments	71360540#TMSN.jpeg ( 1 page )( bytes ) 75431737#TMSN.gif ( 1 page )( bytes ) 76453299#TMSN.gif ( 1 page )( bytes ) 75347955#TMSN.gif ( 1 page )( bytes ) 76607520#TMSN.gif ( 1 page )( bytes ) 75347956#TMSN.gif ( 1 page )( bytes ) 76639353#TMSN.gif ( 1 page )( bytes ) 85498455#TMSN.jpeg ( 1 page )( bytes ) 85549539#TMSN.jpeg ( 1 page )( bytes ) 85549674#TMSN.jpeg ( 1 page )( bytes ) 85549621#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition EndoClot.pdf ( 6 pages )(17099 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ronald J. Ventola II/
Name	RONALD J. VENTOLA II, ESQ.
Date	08/28/2012



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ENDO PHARMACEUTICALS INC.,	)	Opposition No.
	)	TO BE ASSIGNED
	)	
Opposer,	)	
	)	
v.	)	Opposed Applications:
	)	
ENDOCLOT PLUS, INC.,	)	Mark: <b>EndoClot</b>
	)	Serial #: 85322084
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Endo Pharmaceuticals Inc., a Delaware corporation located and doing business at 100 Endo Boulevard, Chadds Ford PA 19317 (“Endo”) believes it will be damaged by the registration of the above-identified mark **EndoClot**, and having sought and obtained an extension of the time to file a Notice of Opposition, hereby opposes the same.

The grounds for the opposition are as follows:

1. Endo is a U.S.-based, specialty healthcare solutions company. Endo provides high-value branded pharmaceutical preparations and specialty generic pharmaceutical preparations and an innovative suite of complementary diagnostics, drugs, devices, and clinical data to meet the needs of patients in areas such as pain, urology, oncology, and endocrinology. These goods and services are described in detail and are advertised on Endo’s website, [www.endo.com](http://www.endo.com).

2. Endo's predecessor first used the ENDO® trademark for pain relief tablets almost one hundred years ago, beginning in 1916. Since that time, the ENDO® name and mark has developed invaluable good will and reputation among health care providers and patients as a designator of source for prescription pharmaceutical preparations and related goods and services. Such good will, together with the registrations symbolizing such good will, are now owned by Endo.

3. Since its early use, Endo has expanded its use of the ENDO® mark to include other registered trademarks using "ENDO" as a prefix, including ENDOCET®, ENDODAN®, and a registered service mark, ENDOCARE® (Reg. Nos. 1897762 and 414232), which is used through a subsidiary, Endocare, Inc.

4. Endo uses its ENDO® name and mark as a house mark to identify its broad range of pharmaceutical and healthcare goods and services.

5. Endo is the owner of the registered ENDO® mark for pharmaceutical preparations as well as other registered marks with the prefix "ENDO" for pharmaceutical preparations and related goods and services (the "ENDO® Marks"), including: ENDO® (Reg. Nos. 0324936, 2004648, 2189503, and 2921176); ENDOCET® (Reg. No. 1993892) ; ENDODAN® (Reg. No. 1995948) ; ENDOCARE® (Reg. No. 1897762); ENDO GENERIC PRODUCTS (Reg. No. 2267677); ENDO ENDO GENERIC PRODUCTS (Reg. No. 3075226); and ENDO LABORATORIES (Reg. No. 2317044). In addition, Endo provides athletic jerseys and coordinates league sports teams under the mark TEAM ENDO (Reg. No. 3155766).

6. Endo also intends to use and/or has used ENDO marks for which applications to register are pending, including E ENDO & DESIGN (App. Ser. No. 85498455, filed December 19, 2011); ENDO HEALTH SOLUTIONS (App. Ser. No. 85549539, filed February 22, 2012); ENDO (stylized lower case, App. Ser. No. 85549674, filed February 22, 2012); and E (stylized, App. Ser. No. 85549621, filed February 22, 2012).

7. Endo further has used and registered in the past (but no longer uses or maintains registrations for) several additional marks using “ENDO” as a prefix, including ENDO-OVATRIN, ENDO-MAGSAL, ENDOLIN, ENDOFER, ENDOTUSSIN, ENDOCIDIN, ENDOCAINE, ENDOPRIN, and ENDOGESIC.

8. Based on its long and substantially exclusive use of ENDO® and marks with the prefix “ENDO” for prescription pharmaceutical preparations, the ENDO® Marks have acquired and maintain distinctiveness in identifying prescription pharmaceutical preparations and related goods and services sourced from or sponsored by Endo.

9. On May 16, 2011, Applicant filed its application to register **EndoClot** for, medical device, namely, a delivery system for endoscopic application of hemostatic powder to bleeding sites of the wound in the gastrointestinal tract and other human cavities including abdominal cavity, thoracic cavity and uterine cavity in Class 10 based on an asserted bona fide intent to use the mark in commerce. On March 20, 2012, Applicant filed an Amendment to Allege Use and asserted dates of first use and first use anywhere as of October 23, 2011. The Amendment to Allege Use purports to show the mark **EndoClot** in use in commerce. In the specimens of use attached to the Amendment

to Allege Use, at least four separate pages show use of the mark **EndoClot** with the tag line “NEW ENDO THERAPEUTIC SOLUTIONS.” In addition, Applicant’s drawing and specimens show the mark EndoClot with a capital “C,” further emphasizing the letters “Endo” as a prefix and further increasing the likelihood of confusion with Endo’s marks.

10. Applicant’s mark **EndoClot** was published for opposition on May 1, 2012. Endo has sought and obtained extensions of the opposition period.

11. There is no issue as to priority. Endo’s rights in its ENDO® Marks long predate any rights of Applicant.

12. Endo’s rights in the following registrations of ENDO® Marks are incontestable: ENDO® (Reg. Nos. 0324936, 2004648, 2189503, and 2921176); ENDOCET® (Reg. No. 1993892); ENDODAN® (Reg. No. 1995948 ); ENDOCARE® (Reg. No. 1897762); ENDO GENERIC PRODUCTS (Reg. No. 2267677); and ENDO LABORATORIES (Reg. No. 2317044).

13. Applicant’s **EndoClot** mark is similar to the ENDO® Marks in sound, meaning and appearance.

14. Applicant’s goods in Class 10, are sold in the same trade channels and to the same purchasers as the pharmaceutical preparations and other goods and services on which Endo uses its ENDO® Marks.

15. Since before Applicant’s priority date, Endo’s prescription pharmaceutical preparations, sold under the various ENDO marks, have been used by surgeons, including surgeons who perform procedures in the gastrointestinal tract and other human cavities.

16. Since before Applicant's priority date, Endo, through its affiliate Healthtronics, has sold medical devices that are used by surgeons.

17. Applicant's use and registration of the mark **EndoClot** for the goods of the application herein opposed will likely lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Trademark Act of 1946.

18. Applicant's mark **EndoClot** is not entitled to registration based on Section 2(d) of the Trademark Act of 1946.

19. By reason of the foregoing, Applicant's registration of the mark **EndoClot** for the goods of the application herein opposed would cause injury and damage to Endo.

WHEREFORE, Opposer prays that its opposition to Application Serial Nos. 85322084 be sustained and that the registration be refused.

By: /Ronald J. Ventola II/  
James R. Meyer  
Ronald J. Ventola II  
**SCHNADER HARRISON SEGAL & LEWIS LLP**  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103  
(215)751-2000

*Attorneys For Opposer, Endo Pharmaceuticals Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 28, 2012, a copy of the foregoing NOTICE OF OPPOSITION was served by U.S. Mail first class postage prepaid accompanied by the documents cited therein, on Applicant's record, at the following addresses:

EndoClot Plus, Inc.  
5201 Great American Pkwy Ste 526  
Santa Clara, CA 95054-1129

/Ronald J. Ventola II/

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Ronald J. Ventola II  
Attorney  
SCHNADER HARRISON SEGAL & LEWIS LLP